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REMARKS

In the Office Action mailed May 19, 2005, the Examiner rejected all of the presently pending claims as obvious over Rebane, U.S. Patent No. 6,662,192, in view of Fenton, US 2002/0197151, or over Rebane in view of Fenton and further in view of Perkes, US 2002/0194601. Applicant has amended the independent claims of the present application to state (1) that the written description of at least one of the supplier's goods or services relates to the class of goods or services; (2) that the supplier link is for a supplier who offers the goods or services of the class of goods or services at least partially described by the directory Web site address; or (3) that the supplier link is for a supplier of the class of goods or services. Applicant submits that these amendments are not new matter in view of the entire disclosure generally and specifically Figs. 2 and 3 and the specification at pages 7-8.

The Examiner rejected claims 1-6, 8-17, 24-34, 36-46, and 48-54 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,662,192 (hereinafter Rebane) in view of U.S. Patent Application Publication No. 2002/0194151 (hereinafter Fenton). The Examiner essentially asserted that the '192 patent discloses all elements of the previously pending claims but for:

a rollover window wherein the rollover window conveys information about a supplier corresponding to the supplier link when the user's cursor is placed substantially over the supplier link, where the information conveyed about the supplier includes a written description of at least on [sic] of the supplier's goods or services.

The Examiner has the initial burden of proving a prima facie conclusion of obviousness (MPEP §2142). In order to establish a prima facie conclusion of obviousness under MPEP § 2143, the Examiner must prove: (1) a suggestion or motivation to modify the reference or combine the reference teachings, (2) a reasonable expectation of success, and (3) the references when combined must teach or suggest all of the claim limitations. Applicant respectfully submits that the Examiner's conclusion of obviousness was based on improper hindsight reasoning since the express motivation to combine the two references was lacking. See MPEP

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§ 2145, para. X.A. Applicant submits that one of ordinary skill in the art would not combine Rebane with the rollover display box disclosed in Fenton. According to the specification of Rebane, the object of the patent is to evaluate and to compare the performances of businesses engaged in electronic commerce. (See Rebane, col. 1, lines 10-12). With the intention of overcoming the disadvantages of traditional surveying, Rebane teaches a system for gathering evaluation data and presenting these results via the Internet to enable users to rate and compare the business activities of various merchants. (See Rebane, col. 4, lines 23-30 and col. 5, lines 5-57). In order to provide users with a sufficient amount of comparisons, a rollover display box would not be beneficial to use and would be contrary to the purpose of Rebane – to rate and compare businesses – because a rollover window consumes a valuable amount of space on the web site that would thereby limit the number of rated businesses. Since the purpose of the Rebane patent is to display as many merchant comparisons as possible to obtain a more accurate evaluation, Applicant respectfully submits that one of ordinary skill in the art would not have combined the Fenton rollover display box with the Rebane patent.

Additionally, with reference to Fig. 18 of Rebane (the '192 patent) and Applicant's amended claims, Fig. 18 does not disclose a web site where selecting the supplier link for a supplier who offers goods or services of the class of goods or services at least partially described by the directory Web site address or where the supplier's goods or services relate to the class of goods or services. The Examiner asserts that Figs. 16, 18, and 20 of Rebane disclose a directory Web site (Bizrate.com) at least partially descriptive of the class of goods or services (presumably business rating services) and that Rebane discloses selecting the supplier link for a supplier of goods or services of the class of goods or services. However, the supplier links listed in Fig. 18 are not for a supplier of the class of goods or services of the directory Web site or for a supplier offering the goods or services. Activating the various links listed in Fig. 18 does not activate supplier web sites that offer business rating services, but rather presumably these businesses offer PDAs. Accordingly, for at least the above reasons, Applicant respectfully submits that the presently pending claims are in condition for allowance.

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Finally, prior to filing this Response, Applicant's representatives, Todd Van Thomme and Terry Callaghan, attempted to contact the Examiner and arrange an interview regarding this case, but were unsuccessful. If the Examiner feels there are any further concerns regarding the allowability of the pending claims, Applicant respectfully requests the Examiner contact either Todd Van Thomme or Terry Callaghan at (616) 949-9610 to arrange a time that they can discuss this case with the Examiner. Such an interview would be greatly appreciated if, in the Examiner's opinion, issues remain with the currently pending claims.

Respectfully submitted,

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By: PRICE, HENEVELD, COOPER,
DEWITT & LITTON, LLP

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